

## **REMARKS/ARGUMENTS**

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-21 in the application. Pursuant to a restriction requirement, the Applicant presently cancels Claims 8-14 without prejudice or disclaimer. The Applicant presently amends Claims 1 and 15. Accordingly, Claims 1-7 and 15-21 are currently pending in the application.

### **I. Formal Matters and Objections**

The Examiner has objected to the drawings for not including reference signs mentioned in the description. In response, a proposed drawing correction is being filed concurrently with the response. Therefore, the Applicant respectfully requests the Examiner to withdraw the objection to the drawings.

The Examiner has also objected to the title of the invention as not being descriptive. In response, the title has been amended pursuant to the Examiner's suggestion.

### **II. Rejection of Claims 1, 2, 4-7, 15, 16 and 18-21 under 35 U.S.C. §103**

The Examiner has rejected Claims 1, 2, 4-7, 15, 16 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,939,817 to Takado in view of U.S. Patent No. 5,786,738 to Ikata, *et al.* ("Ikata"). However, the combination of Takado and Ikata fails to teach or suggest first and second SAW circuits located within a shell and respectively couplable to first and second terminal sets, wherein the first and second SAW circuits filter respective first and second signals in

respective first and second bands of communication frequencies, as recited in Claims 1 and 15 of the present application.

As conceded by the Examiner, Takado fails to teach or suggest first and second SAW circuits that filter respective first and second signals in respective first and second bands of communication frequencies. (Examiner's Action, page 4). In addition, Ikata merely teaches a SAW filter duplexer used to split or generate a signal in radio communication equipment. (Column 1, lines 20-22). Referring to FIG. 3, the duplexer entails two filter chips F1 (33a) and F2 (33b) connected to a common terminal pattern (37c) that is connected to a single antenna terminal (36c). (Column 5, lines 37-48). The two filter chips F1 and F2 are connected in parallel to the single antenna terminal (36c) in order to split the single signal introduced at the antenna terminal (36c) according to the different central frequencies of the two filter chips F1 and F2. (Column 5, lines 49-52; and FIG. 3). One having ordinary skill in the pertinent art understands that employing two filter chips to split a single signal is different than filtering first and second signals with respective first and second SAW circuits. Therefore, Ikata fails to teach first and second SAW circuits that filter respective first and second signals in respective first and second bands of communication frequencies, as recited in Claims 1 and 15 of the present application. Ikata also provides no suggestion for employing first and second SAW circuits to filter respective first and second signals, as evidenced by Ikata being directed at merely employing parallel filter chips to split or generate a single signal. (Column 1, lines 20-22).

Because Takado and Ikata independently fail to teach or suggest employing first and second SAW circuits to filter respective first and second signals, the combination of Takado and Ikata also fails to teach or suggest employing first and second SAW circuits to filter respective first and second signals. In view of the foregoing remarks, the combination of Takado and Ikata fails to support a

*prima facie* case of obviousness with respect to Claims 1 and 15 of the present application. In addition, Claims 2-7 and 16-21 are also not obvious in view of Takado and Ikata, because Claims 2-7 and 16-21 are dependent on Claims 1 and 15, respectively. The Applicant therefore respectfully requests the Examiner withdraw the §103 rejection of Claims 1, 2, 4-7, 15, 16 and 18-21.

### **III. Rejection of Claims 3 and 17 under 35 U.S.C. §103**

The Examiner has rejected Claims 3 and 17 under 35 U.S.C. §103(a) as being unpatentable over Takado in view of Ikata and further in view of common knowledge in the art. The Examiner has asserted that it would have been obvious to one having ordinary skill in the art to design a SAW circuit having a frequency operating range between 1800 and 1900 megahertz as the second SAW circuit of the claimed invention. Reserving comment on the validity of such asserted obviousness, the assertion fails to correct the shortcomings of the combination of Takado and Ikata, as discussed above. Specifically, the combination of Takado and Ikata fails to teach or suggest employing first and second SAW circuits to filter respective first and second signals, as recited in Claims 1 and 15 of the present application, regardless of whether or not a particular frequency operating range of the second SAW circuit is obvious. Accordingly, and because Claims 3 and 17 are dependent on Claims 1 and 15, respectively, Claims 3 and 17 are not obvious in view of the combination of Takado and Ikata and the asserted obviousness of a particular frequency operating range of a SAW circuit. The Applicant therefore respectfully requests the Examiner withdraw the §103 rejection of Claims 3 and 17.

#### IV. Additional References Made of Record

The Applicant believes that the additional references made of record and not relied upon by the Examiner are not particularly pertinent to the claimed invention, but the Applicant retains the right to address these references in detail, if necessary, in the future.

#### V. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-7 and 15-21.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES & BOISBRUN, P.C.

A handwritten signature in black ink, appearing to read 'D. Hitt', is written over the printed name of the attorney.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Please rewrite the title as follows:

[MODULE HAVING] HERMETICALLY SEALED DUAL-BAND SURFACE ACOUSTIC  
WAVE [CIRCUITS AND METHOD OF MANUFACTURING THE SAME] CIRCUIT MODULE

**IN THE CLAIMS:**

(1) Please amend Claim 1 as follows:

1. (Amended) A module, comprising:

a hermetically-sealable shell having first and second terminal sets;

a first surface acoustic wave (SAW) circuit, located within said shell and couplable to said first terminal set, that filters [signals] a first signal in a first band of communication frequencies; and

a second SAW circuit, located within said shell and couplable to said second terminal set, that filters [signals] a second signal in a second band of communications frequencies.

(2) Please amend Claim 15 as follows:

15. (Amended) a module, comprising:

a hermetically-sealable shell having first and second terminal sets;

a first surface acoustic wave (SAW) circuit, located within said shell and couplable to said first terminal set, that filters [signals] a first signal in a first band of communication frequencies;

a second SAW circuit, located within said shell and couplable to said second terminal set, that filters [signals] a second signal in a second band of communications frequencies; and

a lid coupled to said shell and forming an enclosure that surrounds said first and second SAW circuits.